

specification as filed. Claims 10, 17 and 25 have also been amended to clarify that combinations of boswellic acid, a physiologically acceptable salt, a derivative, a salt of the derivative and a plant extract containing boswellic acid, are contemplated to be used in the claimed method. Support for this amendment may be found, at the very least, at page 17, example 4. Finally, claims 16 and 22 have been amended to delete "pharmaceutical compound" and insert in place thereof "pharmaceutically acceptable carrier or diluent". Support for this amendment to the claims may be found, at the very least, at page 13, lines 12-14, of the specification as filed.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 because the amendment places the application in condition for allowance for the reasons discussed herein; does not raise any new issue requiring further search and/or consideration because the amendments amplify issues previously discussed throughout prosecution; and places the application in better form for an appeal should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the Amendment is thus respectfully requested.

Rejection of Claims 10 and 12-16 Under 35 U.S.C. § 112, First Paragraph

Claims 10 and 12-16 have been rejected under 35 U.S.C. § 112, first paragraph, for purportedly not being enabled for preventing the various listed diseases. In an effort to expedite prosecution, and in no way acquiescing to the Examiner's rejection, applicants have amended claim 10 to delete "preventing". Applicants reserve the right to pursue this deleted subject matter in a continuation application.

In light of this amendment to the claims, withdrawal of this rejection under 35 U.S.C. § 112, first paragraph, is believed to be in order and is respectfully requested.

Rejection of Claims 10 and 12-26 Under 35 U.S.C. § 112, Second Paragraph

Claims 10 and 12-26 have been rejected under 35 U.S.C. § 112, second paragraph for purportedly being indefinite. According to the Examiner, the use of the term “plant preparation” is indefinite because there are purportedly a variety of processes for preparing plant material. Applicants have amended the claims to instead recite “plant extract” thus particularly pointing out what type of plant preparation may be used in the methods of the present invention.

The Examiner also purports that the term “pharmaceutical compounds” is indefinite because there are a variety of compounds which are considered to be pharmaceutical compounds. Applicants have amended the claims, as the Examiner suggested, to instead recite “pharmaceutically acceptable carrier or diluent”, thus clarifying what type of pharmaceutical compound may be used in the methods of the present invention. Finally, the Examiner purports that the term “pharmaceutical extract” is indefinite. Claims 23 and 26, which recited this term, have been canceled without prejudice or disclaimer to the subject matter disclosed therein.

In light of these amendments to the claims, withdrawal of this rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.



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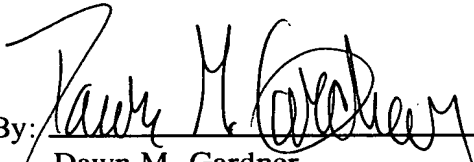
CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

In the event that there are any questions relating to this application, the Examiner is invited to telephone the undersigned so that prosecution of the subject application may be expedited.

Respectfully submitted,

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